

---

---

## SENATE BILL No. 386

---

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 10-13-3.

**Synopsis:** Background checks by local units. Requires the state police department to establish a criminal history flat fee program under which a county, municipality, or township is entitled to the release of an unlimited number of limited criminal history records after paying a yearly flat fee to the department. Provides that the department shall set the flat fee and is not required to charge every unit the same fee. Makes other changes and conforming amendments.

**Effective:** July 1, 2009.

---

---

**Deig**

---

---

January 8, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

---

---

C  
o  
p  
y



First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 386

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 10-13-3-30, AS AMENDED BY P.L.216-2007,  
2       SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2009]: Sec. 30. (a) Except as provided in subsection (c) **or**  
4       **(d)**, on request for release or inspection of a limited criminal history,  
5       law enforcement agencies may, if the agency has complied with the  
6       reporting requirements in section 24 of this chapter, and the department  
7       shall do the following:

8               (1) Require a form, provided by law enforcement agencies and the  
9               department, to be completed. The form shall be maintained for  
10              two (2) years and shall be available to the record subject upon  
11              request.

12             (2) Collect a three dollar (\$3) fee to defray the cost of processing  
13             a request for inspection.

14             (3) Collect a seven dollar (\$7) fee to defray the cost of processing  
15             a request for release. However, law enforcement agencies and the  
16             department may not charge the fee for requests received from the  
17             parent locator service of the child support bureau of the



C  
o  
p  
y

department of child services.

(b) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information that:

(1) has been requested; and

(2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request relates to the registration of sex or violent offenders under IC 11-8-8 or the Indiana sex and violent offender registry under IC 36-2-13-5.5 or concerns a person required to register as a sex or violent offender under IC 11-8-8.

**(d) The fee required under subsection (a) does not apply to a unit that participates in the criminal history flat fee program under section 36.5 of this chapter.**

SECTION 2. IC 10-13-3-36.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 36.5. (a) As used in this section, "criminal history flat fee program" means a program under which a unit (as defined in IC 36-1-2-23) is entitled to the release of an unlimited number of limited criminal history records after paying a yearly fee to the department.**

**(b) The department shall establish a criminal history flat fee program.**

**(c) The department shall set the flat fee to be paid by a unit participating in the criminal history flat fee program. In setting the flat fee, the department shall select an amount that is reasonably related to the cost of releasing limited criminal history records to the unit. The department may consider any relevant factor in setting the flat fee. The department is not required to charge every unit the same fee.**

**(d) A unit that participates in the criminal history flat fee program may obtain the release of limited criminal history records only if the unit is otherwise entitled to the release of limited criminal history records under this chapter.**

C  
o  
p  
y

